

LABOUR DEPARTMENT

The 1st March, 1971

No. 2183-ASO-Lab-71/6299.—In exercise of the powers conferred by sub-section (1) of section 27 of the Payment of Bonus Act, 1965, and in supersession of Punjab Government, Labour Department notification No. 111493-IV-Lab-1-65/29564, dated the 30th October, 1965, and Haryana Government, Labour and Employment Departments notification No. 3820-ASO-Lab-70/14979, dated the 27th May, 1970, the Governor of Haryana hereby appoints the following officers specified in column No. 2 to be the Inspectors for the purposes of the said Act, within the local limits specified against each in column 3 thereof :—

Serial number	Designation of Officers	Local limits
1	2	3
1	Labour Commissioner, Haryana	Whole of the Haryana State
2	Chief Conciliation Officer, Haryana	Whole of the Haryana State
3	Deputy Labour Commissioner, Haryana	Whole of the Haryana State
4	Labour Officer-cum-Conciliation Officer, Yamunanagar	Yamunanagar Circle
5	Labour Officer-cum-Conciliation Officer, Panipat	Panipat Circle
6	Labour Officer-cum-Conciliation Officer, Sonepat	Sonepat Circle
7	Labour Officer-cum-Conciliation Officer, Bhiwani	Bhiwani Circle
8	Labour Officer-cum-Conciliation Officer, Gurgaon	Gurgaon Circle
9	Labour Officer-cum-Conciliation Officer, Ballabgarh	Ballabgarh Circle
10	Labour Officer-cum-Conciliation Officer, Faridabad	Faridabad Circle

No. 2196-1 Lab-71/6977.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Executive Engineer, West Yamuna Canal, Karnal Division, Karnal.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 125 of 1970

Between

THE WORKMEN AND THE MANAGEMENT OF M/S EXECUTIVE ENGINEER, WEST
YAMUNA CANAL, KARNAL DIVISION, KARNAL

Present—

Shri Madhu Sudan Saran Cowshish and Shri Sain Dass, for the workmen.

Shri Manual Singh, for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal, for adjudication,—*vide* Government Notification No. ID/KNL/30365, dated 25th September, 1970:—

Whether the action of the management in giving promotion to Shri Ram Sarup, Beldar ignoring Shri Bhartu Ram Beldar is justified and in order? If not; to what relief is he entitled?

On receipt of the reference usual notices were given to the parties and they have filed their respective statements:—

The case was fixed for the evidence of the workman. His authorised representative has stated that the grievance of Shri Bhartu Ram, workman was against the illegal promotion of Shri Bhagwan Dass who is junior to him but the present reference has been made with regard to promotion of Shri Ram Sarup another worker who is also junior to Shri Bhartu Ram but has not so far been promoted, and that being so there is no industrial dispute with him.

In view of the above no further proceedings are called for in the present case for the simple and obvious reason that Shri Bhartu Ram the workman concerned has no cause of action against Shri Ram Sarup in respect of whom in the present reference has been made and which is liable for rejection for the aforesaid reason. I give my award in the case accordingly. Shri Bhartu Ram may seek his remedy by approaching the appropriate authority for making a fresh reference against Shri Bhagwan Dass or for amendment of the present reference as may be considered proper. In the circumstance, there shall be no order as to costs.

The 22nd February, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 201A, dated 23rd February, 1971.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 22nd February, 1971.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 2194-I-Lab-70/7079.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Technical Printing Press, Sonepat.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 62 of 1970

between

THE WORKMEN AND THE MANAGEMENT OF M/S TECHNICAL PRINTING PRESS,
SONEPAT

Present—

Shri M.S. Rathi for the workmen.

Shri S.K. Bansal with Shri Ram Avtar for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, was pleased to refer the following dispute for adjudication to this Tribunal *vide* Government Order No. ID/RK/18-A-69/8076, dated 19th March, 1971:—

Whether the termination of services of the following workers were justified and in order? If not, to what relief are they entitled:—

- (1) Shri Daya Chand.
- (2) Shri Jagmohan Singh.
- (3) Shri Attar Singh.

- (4) Shri Nafe Singh.
- (5) Shri Shanker Lal.
- (6) Shri Rajvir Singh.
- (7) Shri Bahori Singh.

On receipt of the reference usual notices were given to the parties. No claim statement was filed on behalf of the workmen other than the demand notice issued through the Conciliation Officer and received along with the reference by the Government.

The management filed the written statement on 11th May, 1970, contending that Sarvshri Daya Chand Jagmohan Singh, Attar Singh, Nafe Singh, Shanker Lal, Rajvir Singh and Bahori Singh, on whose instance the present reference has been made, were never its workers. It was urged that, as a matter of fact, Sarvshri Daya Chand, Bahori Singh and Rajvir Singh were composing contractors who were required to do the work assigned to them in accordance with the terms and conditions of the agreement made with the management and that these persons had left the job of their own accord and there was no question of the termination of their services by the management. As far as the remaining four persons Sarvshri Jagmohan Singh, Nafe Singh, Attar Singh and Shanker Lal, the plea taken by the management was that they were, in fact, the workers employed by the composing contractors themselves and the management had nothing to do with them. It was further urged that Sarvshri Jagmohan Singh and Shanker Lal had even withdrawn their claim.

In the rejoinder filed on behalf of the workmen on 1st June, 1970, the above contentions were denied and the claim as given in the demand notice was reiterated.

The pleadings of the parties gave rise to the following issues which were framed on 30th May, 1970 :—

1. Whether Sarvshri Daya Chand, Bahori Singh and Rajvir Singh were working as contractors ?
2. Whether Sarvshri Jagmohan Singh, Attar Singh, Nafe Singh and Shanker Lal were the employees of the contractors ?
3. Whether Sarvshri Jagmohan Singh and Shanker Lal have withdrawn their claims ?
4. If the above issues are found in favour of the applicant—Whether the termination of services was justified and in order ? If not, to what relief are they entitled ?

The management has relied upon the testimony of two witnesses, namely, Shri Lachman Dass, M.W. 1, and Shri Ram Avtar Gupta, M.W. 2, the Manager of the Company, besides producing a large number of documents, Exhibit as M.W. 1/1, M.W. 1/2 and M.W. 2/1 to M.W. 2/45.

Shri Ram Avtar Gupta, M.W. 2, has deposed that Sarvshri Rajvir Singh, Bahori Singh had entered into contracts with the management,—*vide* agreement, Exhibit M.W. 2/1, M.W. 2/2 for doing the work of composing at the rates mentioned therein and he has further referred to the postcards, Exhibit M.W. 2/3 to Exhibit M.W. 2/6 and bills Exhibit, M.W. 2/7 to Exhibit M.W. 2/40 received from the said persons in connection with the aforesaid contract work.

With regard to Shri Daya Chand it has been stated that he had died on 27th April, 1970,—*vide* death certificate, Exhibit M.W. 2/41 and his dues had been paid to his father Shiv Charan and widow Shrimati Om Vati, *vide* payment voucher, Exhibit M.W. 2/40 and their letters, Exhibit M.W. 2/43 to M.W. 2/45.

Shri Lachman Dass coming into the witness box as M.W. 1 has fully supported the above statements made by M.W. 2 as to the engagement of Sarvshri Rajvir Singh, Bahori Singh and Daya Chand as composing contractors through written agreements. He has further stated that Sarvshri Jagmohan Singh and Shanker Lal were in fact the workers employed by him and he had settled their claims,—*vide* receipt Exhibit M.W. 1/1 and Exhibit M.W. 1/2.

No evidence has been led on behalf of the claimants in spite of getting three adjournments in the case and their representative Shri M.S. Rathi has made a statement to-day that he had addressed several letters to them but without any response, and, in the circumstances, he is not in a position to lead any evidence in support of their claim or to rebut the pleas taken by the management. He has not pressed for any further adjournment in the case and stated that the award may be given on the basis of the facts on record.

The case has been argued on both sides and I have given a careful consideration to the facts on record.

As already observed, the main plea taken on behalf of the management in the case is that the present claimants were never engaged as workers and three of them, namely, Sarvshri Rajvir Singh, Bahori Singh and Daya Chand had entered into agreements to do the work of composing on contract basis at the rates mentioned in the agreements and they had left the job of their own accord. As for the remaining claimants it has been contended that they were employees of the composing contractors themselves with whom the management had nothing to do. The above pleas having been denied on behalf of the claimants in their rejoinder filed in the case, the burden

was naturally upon the management to bring on record sufficient and reliable material to support the same and after very carefully scrutinizing the evidence produced by the management both oral as well as documentary, I am satisfied that the management has fully succeeded in discharging this burden.

There is the statement on oath of Shri Ram Avtar Gupta, Manager of the company, which finds full corroboration in the documentary evidence consisting of the agreements executed by Sarvshri Rajvir Singh and Bahori Singh Exhibit M.W. 2/1, M.W. 2/2 read with their correspondence and bills Exhibit M.W. 2/7 to Exhibit M.W. 2/40. The above stand taken by the management finds further support in the testimony of Shri Lachman Dass M.W. 1 who was also a composing contractor. According to this witness Sarvshri Jagmohan Singh and Shanker Lal two of the claimants were, in fact, his employees and have settled their claims,—*vide* receipts Exhibit M.W. 1/1 and M.W. 1/2.

From the statements of Shri Ram Avtar Gupta M.W. 2, it has been further established that Shri Daya Chand one of the composing contractor had died on 27th April, 1970—*vide* death certificate Exhibit M.W. 2/41 and his dues had been paid to his father Shri Shiv Charan and widow Shrimati Om Vati,—*vide* payment voucher Exhibit M.W. 2/42.

There is no rebuttal of the above evidence led by the management in the case, so much so that none of the workers has taken the courage to come into the witness box and stand the test of cross examination in spite of getting three suitable adjournments in the case and their authorised representative has expressed his helplessness to lead any evidence in support of their claim. In the circumstances, the evidence led by the management; oral as well as documentary which has gone altogether unrebuted, has, therefore, to be accepted.

For the reasons aforesaid, issues Nos. 1 and 2 are decided against the claimants and it is held that Sarvshri Daya Chand, Bahori Singh, Rajvir Singh were working for M/s Technical Printing Press, Sonepat only as composing contractors not as regular workers on any terms and conditions of service and that Sarvshri Jagmohan Singh, Attar Singh, Nafe Singh and Shanker Lal were only employees of the composing contractors and the management had nothing to do with them.

Issue No. 3 is also decided against the claimants and it is held that Sarvshri Jagmohan Singh and Shanker Lal had settled their claim with their employers.

In view of the decision of issue Nos. 1 and 2 against the claimants, issue No. 4 is also decided against them and it is held that the claimants having never been engaged as workers by the management, the question of the termination of their services did not arise, and as such, they are not entitled to any relief in the case.

From the findings on issues discussed above, it would follow that the present claimants were never workers of the said industrial establishment, and as such, they are not entitled to any relief under the Industrial Disputes Act and the reference has consequently to be dismissed. I give my award in the case accordingly but there shall be no order as to costs.

Dated 23rd February, 1971.

O.P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,

Faridabad.

No. 202, dated the 23rd February, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,

Faridabad.

The 16th March, 1971

No. 2384-ILab-71/6970.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Tosh Metal and Alloy Industries (P) Ltd., Karnal.

**BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 70 of 1970

between

**SHRI VISHWA NATH, WORKMAN AND THE MANAGEMENT OF M/S TOSH METAL
AND ALLOY INDUSTRIES (P) LTD., KARNAL**

Present:—

Shri Vishwa Nath concerned workman and Shri Mukand Lal authorised representative.

Shri Rulia Ram Gupta, for the management.

AWARD

An industrial dispute existing between Shri Vishwa Nath, workman and the management of M/s Tosh Metal & Alloy Industries (P) Ltd. Karnal, was referred for adjudication to this Tribunal by the Governor of Haryana in exercise of the powers under clause (d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—*vide* order No. ID/9738, dated 3rd April, 1970. The terms of reference being as given under :—

Whether the termination of services of Shri Vishwa Nath Sharma is justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were given to the parties and they filed their respective statements. It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties and the memorandum of settlement has also been filed which is Ex.M.W. 1/1.

According to the above settlement Shri Vishwa Nath concerned workman has received Rs. 150 in full and final settlement of his claim given up his right for reinstatement or re-employment with the present management as he is already working as a helper in Haryana Roadways.

I have heard the authorised representative of the parties and recorded their statements with regard to the aforesaid settlement which is apparently fair and reasonable.

There is thus no dispute left between the parties and the workman concerned is not entitled to any other relief in view of the above settlement and I make my award in the case accordingly. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 229, dated the 26th February, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 26th February, 1971.

The 17th March, 1971

No. 2195-ILab-71/6966.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Bharat Steel Tubes Ltd., Ganaut.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 68 of 1970

Between

SHRI JOG RAM, WORKMAN AND THE MANAGEMENT OF M/S BHARAT STEEL
TUBES LTD., GANAUR

Present:-

Shri Jog Ram, workman concerned.

Shri J. P. Jain, Administrative Officer, for the management.

AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, was pleased to refer the following dispute for adjudication to this Tribunal,—*vide* order No. ID/RK/16H-70/9552, dated 2nd April, 1970.

Whether the termination of services of Shri Jog Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were given to the parties and they filed their respective statements.

It is, however, not necessary to go into the merits of the case as an amicable settlement has been arrived at between the parties as per terms and conditions laid down in Ex. M. W. 1/1. Statements of the parties have been recorded.

According to the above settlement, Shri Jog Ram the workman concerned has been taken back in service as a substitute Helper with effect from 31st August, 1970 and he has been paid a sum of Rs 250 by way of compensation for the period he remained unemployed. The management has further agreed to confirm him as a permanent worker within a period of two years from the date of the settlement, i. e. 21st January, 1971 provided he is otherwise found suitable for the post. Shri Yog Ram, workman has accepted the above terms of the settlement.

I have heard the workman concerned and the representative of the management and considered the terms and conditions of the settlement arrived at between the parties as stated above and find the same to be quite fair and reasonable.

In view of the above, there is now no dispute left between the parties and no further proceedings are called for in the case and I give my award in terms of the settlement between the parties by which they shall be bound. There shall be no order as to costs.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 203, dated 23rd February, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

Dated 22nd February, 1971.